IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10271 of 2005

Between:

R.S.Ramulu (E.No. 750904) S/o. Appalaswmay,
R/o. Sanjeevi Nagar Colony , Visakhapatnam
Visakhapatnam District.

..... PETITIONER

AND

1 A.P.S.R.T.C, rep.by Regional Manager,APSRTC,
Visakhapatnam, VisakhapatnamDistrict.
2 The Depot Manager,APSRTC, Visakhapatnam Depot-1
Visakhapatnam, Visakhapatnam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the proceedings of the 2nd respondent dated 22.8.03 vide proceedings No M1/2(13)/03-VSP as illegal, arbitrary and contrary to law and consequently direct the respondents herein to reinstate the petitioner in service as Driver in APSRTC Visakhaptnam Region forthwith, with all consequential benefits including the seniority forthwith and pass such other or further orders as are necessary.

Counsel for the Petitioner:MR.CHALLARI NAGESWARA RAO

Counsel for the Respondents: KUM.B.G.UMA DEVI

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a declaration that the action of the 2nd respondent in issuing the proceedings No.M1/2(13)/03-VSP, dated 22.08.2003, is illegal, arbitrary and for a consequential direction to the respondents to reinstate the petitioner into service as Driver in the respondents-Corporation.

The case of the petitioner is that he was acquitted in C.C.No.235 of 2003 filed against him on the file of the learned V Metropolitan Magistrate, Visakhapatnam, and therefore, he seeks to consider his case for reinstatement into service as Driver in the respondents-Corporation.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

Admittedly, a statutory appeal lies to the Divisional Manager against the order of the Depot Manager, 2nd respondent. Since the petitioner has not availed the remedy of appeal, the writ petition is disposed of directing him to file an appeal before the appellate authority. There shall be no order as to costs.

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28.04.2005

Jsu

To

1 A.P.S.R.T.C, rep.by Regional Manager,APSRTC,
Visakhapatnam, VisakhapatnamDistrict.
2 The Depot Manager,APSRTC, Visakhapatnam Depot-1
Visakhapatnam, Visakhapatnam District.

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